

E.D.N.Y.
18-cv-5292
Donnelly, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of October, two thousand twenty-two.

Present:

José A. Cabranes,
Reena Raggi,
Steven J. Menashi,
Circuit Judges.

In Re: In The Matter of B.A.S.

Isacco Jacky Saada,

Petitioner-Appellee,

v.

Docket No. 22-1966

Narkis Aliza Golan,

Respondent-Appellant.

In this action under the Hague Convention, Petitioner Isacco Jacky Saada and Respondent Narkis Aliza Golan dispute the return of their minor child, B.A.S., to Italy, the country of the father's and the child's residence before the child was brought to the United States by his mother in July 2018. Now pending before this court is Ms. Golan's appeal from the August 31, 2022 judgment of the district court ordering the child's return to Italy. This court has stayed that order.

By letter dated October 20, 2022, Ms. Golan's counsel advised this court of her client's death and proposed dismissal of this appeal as moot and vacatur of the district court's removal order. The court advised counsel that any such actions were properly pursued by motion, which should be filed on or before October 24, 2022. Ms. Golan's counsel has filed no such motion and, by letter dated October 25, 2022, Mr. Saada's counsel reports that, based on a conference call with Ms. Golan's counsel, he understands that no such motion will be filed. Nevertheless, Mr. Saada's

counsel advises that, within days, he expects to file his own motion seeking affirmance of the underlying district court order.

In these circumstances, the court hereby ORDERS that, on or before November 4, 2022, counsel for the parties file any motions concerning the proper disposition of this appeal in light of Ms. Golan's death. Whether or not counsel for the parties file any motions, the court ORDERS that, on or before November 4, 2022, they show cause in writing why this appeal should not be dismissed as moot and explain whether the stay of the district court's removal order may be lifted and whether the judgment of the district court may become final. Further, because this case concerns the removal of a minor child who had been in the physical custody of his now-deceased mother, the court ORDERS that, on or before November 4, 2022, counsel for the parties advise the court as to the identity and location of such person or persons currently having physical custody of B.A.S. If anyone other than the child's father, Mr. Saada, presently has physical custody of B.A.S., the court ORDERS that Ms. Golan's counsel, as an officer of the court, is requested to provide such person or persons with a copy of the district court's removal order and with this order, to confirm that she has done so in counsel's November 4, 2022 filings, and to state therein counsel's understanding of whether such person or persons intend to intervene in this appeal or otherwise to take action regarding the proceedings in the district court.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court



The image shows a handwritten signature "Catherine O'Hagan Wolfe" written over a circular official seal. The seal is red and blue with the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. The signature is written in black ink across the center of the seal.

A True Copy
2 Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe